



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

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April 27, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
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Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to be "W. T. Fujioka", is written over the printed name and title.

SACRAMENTO UPDATE

This memorandum contains pursuits of County position on legislation related to immunization requirements for school-aged children, and access to child welfare services information; the status of County-sponsored legislation related to changes to the Brown Act; information on County interest legislation regarding reporting requirements on child fatalities; updates on County-advocacy legislation regarding: 1) death benefit claims; 2) changes to the criteria for Post-Release Community Supervision; 3) changes to the Flood Control Act impacting the Los Angeles River; and 4) prescription drug refills; and a report on the Governor's FY 2012-13 Budget proposals related to child support and child welfare services.

Pursuit of County Position on Legislation

AB 2109 (Pan), which as amended on April 23, 2012, would change the process which allows parents of school-aged children to claim a Personal Belief Exemption (PBE) from immunization requirements for entry to childcare and school.

Under existing law, all children are required to be immunized against various diseases before being admitted to any public or private elementary or secondary school child care center, day nursery, nursery school, family day care home or development center. A parent or guardian may opt out of the immunization requirements by filing a letter or affidavit with the school stating that the immunization is contrary to his or her beliefs.

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AB 2109 would require a parent or guardian who wants his or her child exempted from the immunization requirement to submit a form to the school which includes both of the following: 1) a written statement signed by a licensed healthcare practitioner that indicates the parent or guardian has received information regarding the risks and benefits of immunizations, as well as the risks of vaccine-preventable diseases; and 2) a written statement signed by the parent or guardian indicating that he or she has received this information from the health care practitioner.

According to the Department of Public Health (DPH), California is one of 20 states that allow parents or guardians to file a PBE to opt their children out of receiving one or more vaccines required for entry to childcare or school. DPH notes that a small, but growing number of parents are choosing to file PBEs, which puts children at risk of contracting vaccine-preventable diseases, and which may result in the spread of communicable diseases to children and vulnerable adults. AB 2109 would provide parents and guardians with additional information regarding the benefits of childhood immunization.

The Departments of Public Health and Health Services and this office support AB 2109. Therefore, consistent with existing Board policy to support measures which would establish, enhance or fund policies that encourage immunizations and reduce the incidence of vaccine-preventable diseases, **the Sacramento advocates will support AB 2109.**

AB 2109 is sponsored by the California Medical Association, the American Academy of Pediatrics, and the Health Officers Association of California, and supported by numerous entities including: the California State Association of Counties; Kaiser Permanente; the California Pharmacists Association; the San Francisco Department of Public Health; Children's Hospital Los Angeles; the California Maternal, Child and Adolescent Health Directors; and the South Los Angeles Health Projects. This measure is opposed by various organizations including: Families for Early Autism Treatment; the California Right to Life Committee; Child and Family Protection Association; the Exchange Club of Culver City; and Health Advocacy in the Public Interest.

AB 2109 passed the Assembly Health Committee by a vote of 13 to 5 on April 17, 2012. This measure is scheduled for a hearing in the Assembly Appropriations Committee on May 2, 2012.

SB 1279 (Wolk), which as amended on April 9, 2012, would: 1) establish legislative intent to authorize the California Department of Social Services (CDSS) to receive information held by other State agencies related to outcomes for children and youth involved in the child welfare system; 2) require CDSS to identify key outcomes for

children in the child welfare system, including outcomes associated with K-12 education, higher education, criminal justice involvement, employment and suicide, and to consult with various stakeholders in determining these outcome measures; 3) require indicators to reflect outcomes at the time the child emancipates from the child welfare system, including at least one point in time at least five years following separation; and 4) require CDSS, by January 1, 2015, to provide information to budget and appropriate policy committees of both houses of the Legislature regarding the progress in identifying outcome measures as specified, and findings and recommendations for implementation, among other provisions.

Existing law requires CDSS and county welfare departments to establish, administer, and support a public system of statewide child welfare services. Additionally, current law requires CDSS to establish the California Child and Family Services Review in order to review all county welfare systems which include child protective services, foster care, adoption, family preservation, family support and independent living. CDSS is also required to convene an inter-agency and stakeholder workgroup to establish a work plan by which child and family service reviews are conducted.

The author of SB 1279 indicates that the State monitors the number of children receiving child welfare services and the types of services they receive. However, there has been limited information gathered and shared on how children manage in adulthood after leaving the child welfare system. Additionally, the author notes that SB 1279 builds upon and is largely modeled after AB 636 (Chapter 678, Statutes of 2001), and authorizes CDSS to expand the existing Children and Family Services Review System to include information on the extent that youth involved in the child welfare system are equipped to succeed later in life.

According to the Department of Children and Family Services, SB 1279 would provide refinements to outcome measures for youth who have emancipated from the foster care system. DCFS indicates that by gathering and sharing information with State and local agencies service delivery can be evaluated for its effectiveness in achieving successful outcomes in self-sufficiency and well-being for these young adults.

The Department of Children and Family Services and this office support SB 1279. Therefore, consistent with existing Board policy to support legislation to fund Child Welfare Services outcome improvements included in the County's Self-Improvement Plan, including Point of Engagement, AB 636 (Chapter 678, Statutes of 2001) Outcomes and Accountability System and the Federal Children and Family Services Review, **the Sacramento advocates will support SB 1279.**

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SB 1279 is supported by the County Welfare Directors Association (CWDA), California Youth Connection, and Aspiranet. There is no opposition on file.

SB 1279 passed the Senate Human Services Committee by a vote of 6 to 0 on April 10, 2012. The measure will be heard in the Senate Appropriations Committee on April 30, 2012.

Status of County-Sponsored Legislation

County-sponsored AB 1736 (Smyth), which as amended on March 29, 2012, would allow the Governor to meet with the Board of Supervisors on issues that affect the security of public facilities and services passed the Assembly Floor by a 64 to 3 vote on April 26, 2012. The bill now moves to the Senate for consideration.

Legislation of County Interest

AB 1440 (Perea), which as amended on March 29, 2012, would, among other provisions, require county child welfare agencies, within 60 calendar days of a determination that abuse or neglect led to the death of a child, to review and prepare a written report with specified information regarding the child's death, and to submit the report to CDSS within 10 business days of its completion. The measure would also require CDSS, commencing January 1, 2013, to include information from the county child welfare agency death review reports in its annual report identifying child fatalities and any systemic issues, and require the annual report to include additional specified information.

AB 1440 was placed on the Assembly Appropriations Committee's suspense file on April 25, 2012 due to potential costs to the State General Fund (SGF). As noted in the Assembly Appropriations Committee's analysis, the bill is a reimbursable State mandate and would likely increase annual SGF between \$575,000 to \$775,000. The suspense file will likely be considered around May 24, 2012.

This measure is supported by the Crime Victims Alliance, California Youth Connection, National Association of Social Workers - California Chapter, First 5 Fresno County, and Fresno Barrios Unidos, Executive Director. There is no opposition on file at this time.

As reported in the April 13, 2012 Sacramento Update, CWDA proposed amendments to AB 1440 include the following two amendments which the Department of Children and Family Services (DCFS) and County Counsel indicate would benefit the County which currently has internal review procedures in place: 1) provide that counties with existing internal review procedures to investigate these child death cases, as of the date of the

bill's enactment, would be deemed to meet the bill's new requirements; and 2) require an annual report to the State by each county that provides data about child deaths and any systemic issues that need improvement, so that the State can analyze these reports and provide any overall findings in the child death report it already produces annually.

Our office will continue to work with DCFS, County Counsel, CWDA, and the author's office to address any potential concerns to the County, including working to protect the confidentiality of records.

Status of County-Advocacy Legislation

County-opposed AB 2451 (J. Pérez), which would authorize a claim for death benefits for firefighters whose death is caused by certain presumptive-type illnesses, was amended on April 19, 2012 to include death benefits claims for peace officers. This measure is scheduled for a hearing in the Assembly Insurance Committee on May 2, 2012.

County-supported SB 1150 (Dutton), which as introduced on February 21, 2012, would make anyone released from State prison who has a prior conviction for a serious or violent felony, a crime for which the person received a third strike, or a crime that resulted in the person being classified as a High Risk Sex Offender ineligible for Post-Release Community Supervision, failed to pass the Senate Committee on Public Safety by a 3 to 3 vote on April 24, 2012. The author did not request reconsideration.

County-opposed SB 1201 (De León), which would amend the Flood Control Act to provide for increased public use of navigable waterways under the control of the Los Angeles County Flood Control District (LACFCD) deemed suitable for recreational and educational purposes, and would create a State-level Los Angeles River Interagency Access Council (Council) consisting of State and local entities that would be responsible for addressing public access to the Los Angeles River and designating areas of the river suitable for public use, was amended on April 17, 2012.

The amendments: 1) stipulate that the proposed changes of the Flood Control Act to provide for public use of LACFCD waterways should not be inconsistent with LACFCD uses for flood control and water conservation purposes; 2) make non-substantial clarifications to the composition and appointment of members to the Council; 3) provide that the U.S. Army Corps of Engineers be invited to advise the Council; and 4) specify that the Council shall coordinate project review with the Los Angeles River Cooperation Committee.

According to the Department of Public Works, the amendments to SB 1201 do not remove the concerns related to the unnecessary and potentially confusing changes to the Flood Control Act and the redundancy created by the establishment of the Council. Furthermore, the recent amendments to the bill appear to expand the authority of the Council with a corresponding reduction of LACFCD authority. **Therefore, the Sacramento advocates will continue to oppose SB 1201.**

SB 1201 is set for a hearing in the Senate Appropriations Committee on April 30, 2012.

County-supported SB 1301 (Hernandez), which as amended on April 16, 2012, would allow a pharmacist to dispense no more than a 90-day supply of a prescription drug refill if the patient has completed an initial 30-day supply of the prescription, excluding psychotropic medications, passed the Senate Business, Professions, and Economic Development Committee by a vote of 7 to 0 on April 23, 2012. This measure is scheduled for a hearing in the Senate Appropriations Committee on May 7, 2012.

State Budget Hearings

Child Support. On April 18, 2012, the Assembly Budget Subcommittee No. 1 on Health and Human Services convened to discuss the Governor's FY 2012-13 Budget Proposal relating to child support services. The Governor's Budget proposes to suspend the county share of child support welfare collections estimated to be \$34.5 million statewide. Under this proposal, the entire non-Federal portion of child support welfare collections would be retained by the State. As previously reported, the Child Support Services Department (CSSD) indicates that approximately \$3.86 million would be from Los Angeles County collections and CSSD would lose an additional \$7.5 million in Federal funds, for a total of \$11.36 million. The subcommittee held this issue open.

Child Welfare Services Realignment. On April 19, 2012, the Senate Budget Subcommittee No. 3 on Health and Human Services held an informational hearing on funding for Child Welfare Services (CWS). As previously reported, CWS is a component of the enacted 2011 Public Safety Realignment.

The California Department of Social Services, the Department of Finance, and the Legislative Analyst's Office provided a broad overview of CWS Realignment at the hearing. Additionally, numerous stakeholders, including CWDA, expressed serious concerns that the current funding base of \$1.6 billion for CWS, Foster Care, and Adoptions programs is insufficient. Stakeholders also testified that the extension of foster care services for non-minor dependents, enacted under AB 12 (Chapter 559, Statutes of 2010) and AB 212 (Chapter 459, Statutes of 2011) to be phased in over

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three years beginning January 1, 2012 is expected to add significant pressure on CWS funding.

The subcommittee did not take action on this issue and the Administration indicated that it will provide additional information regarding CWS Realignment to the Legislature in the coming weeks.

We will continue to keep you advised.

WTF:RA
MR:KA:IGEA:sb

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants